

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

SOLOWHEEL INC.,

Plaintiff,

v.

NINEBOT INC. (USA), D/B/A  
NINEBOT U.S., INC.; NINEBOT  
(TIANJIN) TECHNOLOGY CO., LTD.;  
NINEBOT, INC. (China),

Defendant.

NO. 3:16-cv-05688-RBL

**JOINT CLAIM  
CONSTRUCTION AND  
PREHEARING STATEMENT**

Pursuant to the Court’s Scheduling Order and Local Patent Rule 132, Plaintiff Solowheel Inc. (“Solowheel”) and Defendant Ninebot (Tianjin) Technology Co., Ltd. (“Ninebot”) hereby provide this Joint Claim Construction and Prehearing Statement regarding U.S. Patent No. 8,807,250 (“the ‘250 Patent”), U.S. Design Patent No. D729698 (“the ’698 Patent and U.S. Design Patent No. D673081 (“the ’081 Patent”).

(a) The Parties agree on the following terms and definitions:

Claim term: “fore-aft-balance control system which controls said motor.”

Agreed construction: “a system for fore-aft control that senses forward and backward tilt of the frame of the frame and regulates the motor accordingly and that enables a user standing on the foot platforms to control acceleration and deceleration by leaning forward or backward.”

(b) The attached Exhibit A contains the disputed terms, proposed constructions, and proposed support.<sup>1</sup>

(c) Solowheel believes the 10 most important terms for construction are as follows:

<b>1</b>	“a single wheel”
<b>2</b>	“leg contact surfaces / first and second leg contact surfaces”
<b>3</b>	“fore-aft-balance control system which controls said motor”
<b>4</b>	“configured so as to not substantially encircle a user’s leg”
<b>5</b>	“in its entirety extends longitudinally in line of travel of the device”
<b>6</b>	“seatless frame”
<b>7</b>	“without a vertically ascending control handle”
<b>8</b>	“configured to be readily contactable”
<b>9</b>	“the longitudinally extending first and second leg contact surfaces extend from their front to back in the line of travel of the device . . . further than they extend in a dimension perpendicular to the central vertical plane of the wheel”
<b>10</b>	“without a vertically ascending control handle”

Ninebot believes the 10 most important terms for construction are as follows:

<b>1</b>	“configured to be readily contactable”
<b>2</b>	“leg contact surfaces / first leg contact surface / second leg contact surface / first and second leg contact surfaces”
<b>3</b>	“configured so as to not substantially encircle a user’s leg”
<b>4</b>	“seatless frame”
<b>5</b>	“yielding material”
<b>6</b>	“in its entirety extends substantially longitudinally in the direction of travel of the device”
<b>7</b>	“means for automatically adjusting fore-aft pitch while executing a turn in response to detection of sideways leaning of the vehicle”
<b>8</b>	“the single wheel defining first and second side planes . . . the first and second vertical planes”
<b>9</b>	“means for automatically adjusting speed while executing a turn”

<sup>1</sup> Where the Parties have not reached agreement, they will work to diligently to resolve the remaining disputes before briefing and before the Markman hearing. When further resolution is reached, the Parties will file an updated Joint Claim Construction and Prehearing Statement.

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“leg contact members / first and second leg contact members”

(d) The Parties agree to three hours as the length of time for the Claim Construction Hearing.

(e) The Parties have not agreed upon the proposed order of presentation at the Claim Construction Hearing.

(f) The Parties take the position that live testimony will not be necessary.

(g) The Parties do not believe a tutorial is necessary.

(h) The Parties do not believe a pre-hearing conference is necessary.

(i) Solowheel does not believe it is necessary that the Court appoint an independent expert. Ninebot believes it is necessary that the Court appoint an independent expert.

DATED this 27th day of September, 2018

Respectfully Submitted by:

**FOSTER PEPPER PLLC**

**IP LAW LEADERS PLLC**

/s/ Benjamin J. Hodges

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**CERTIFICATE OF SERVICE**

I, Al Van Kampen, hereby certify that on September 27, 2018, the foregoing document was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which transmits notification of the filing to the following persons:

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